



Justice Centre
for Constitutional Freedoms

Restoring freedom in British Columbia

An agenda for the Legislative Assembly of British Columbia

Released: October 27, 2026

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About restoring freedom in British Columbia

British Columbia's Legislative Assembly has enormous power to either protect freedom or erode it. Following the election on October 24, 2026, the next government faces decisions that will shape the rights and freedoms of British Columbians for years to come.

This report identifies 10 areas where members of the Legislative Assembly (MLAs) can take action to restore constitutional freedoms, limit government overreach, strengthen democratic accountability, and allow British Columbians to live their lives without unnecessary state interference.

Some of these issues require the Legislative Assembly to repeal legislation that has gone too far. Others require stronger safeguards, clearer statutory limits, or a willingness to reconsider policies that have expanded government authority at the expense of individual liberty.

To further the *Charter's* promise of a "free and democratic society," British Columbians should expect their elected representatives to defend freedom deliberately and consistently.

Stop censoring speech in the name of human rights

Call to action: Repeal section 7 of the *BC Human Rights Code*.

Section 7 of the *BC Human Rights Code* prohibits “discriminatory publications,” defined to include any statement or publication that “is likely to expose a person or a group or class of persons to hatred or contempt”¹ based on a prohibited ground of discrimination.

This little-known provision gained notoriety in 2008, when Dr. Mohamed Elmasry of the Canadian Islamic Congress complained against *Maclean’s* for publishing a Mark Steyn article about demographic trends entitled “The New World Order.” After years of legal proceedings costing tens of thousands of dollars, this complaint was ultimately dismissed by the BC Human Rights Tribunal, which concluded that the article did not expose Muslims to “feelings of an ardent nature and unusually strong and deeply felt emotions of detestation, calumny and vilification,”² but had merely “resulted in political debate,” something which paragraph 7(1)(b) of the *Human Rights Code* “was never intended to suppress.”³

Seventeen years later, however, the same Tribunal has punished Barry Neufeld, a former Chilliwack School Trustee, for advocating to protect children in schools from transgender ideology. Mr. Neufeld’s comments offended some LGBTQ individuals, so he was ordered to pay \$750,000, effectively overruling the Human Rights Tribunal’s own prior reasoning in the *Maclean’s Magazine* case.⁴

Based on the \$750,000 compensation award in *Chilliwack Teachers’ Association*, it is clear that “political debate” in BC is no longer safe from ideologically motivated prosecution. As a result, honest debate of many controversial issues has effectively been rendered off limits for all British Columbians, including their democratically elected representatives. It is time to repeal section 7 and prioritize freedom of expression over the fictitious “human right” not to be offended.

¹ *Human Rights Code*, [RSBC 1996] CHAPTER 210, s. 7(1)(b)

² *Elmasry and Habib v. Roger’s Publishing and MacQueen (No. 4)*, 2008 BCHRT 378 at para 80

³ *Ibid* at para 159

⁴ *Chilliwack Teachers’ Association v. Neufeld (No. 10)*, 2026 BCHRT 49 at para 330

End the UNDRIP mandate

Call to action: Repeal the *Declaration on the Rights of Indigenous Peoples Act* and section 8.1 of the *Interpretation Act*.

In its *Cowichan Tribes* ruling, the BC Supreme Court adopted an unprecedentedly broad conception of aboriginal title, finding that the Cowichan Tribes' historic claim to approximately 800 acres of Richmond constituted a "prior and senior right"⁵ to fee simple titles of private homeowners in the area. Property sales in the affected area have since ground to a halt. With approximately 80 percent of BC's land base currently under active aboriginal title claims,⁶ landowners across the province have serious cause for concern.

To win its case, Cowichan Tribes relied in part on BC's *Declaration on the Rights of Indigenous Peoples Act* ("DRIPA"), which says the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) applies to BC laws⁷, as well as a related section of the *Interpretation Act*.⁸ That section (8.1) requires every BC Act and regulation to be read in line with UNDRIP. In the *Cowichan Tribes* decision, Justice Young referenced these instruments as supporting points in her ruling.⁹

Section 35(1) of the *Constitution Act, 1982* "recognizes and affirms" aboriginal and treaty rights. The Supreme Court of Canada has held that aboriginal title requires exclusive pre-sovereignty occupation and a "substantial maintenance of the connection" between the people and the land to the present.¹⁰ Proving this is difficult where land (as in Richmond BC) has been subject to long-standing fee simple grants and private ownership.

The UNDRIP, on the other hand, imports a much lower threshold, stating, "Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired."¹¹

Repealing *DRIPA* and section 8.1 of the *Interpretation Act* would remove the rule that forces BC laws to line up with UNDRIP, reducing the instruments judges can rely on when interpreting statutes that protect private property.

⁵ *Cowichan Tribes v Canada (Attorney General)*, 2025 BCSC 1490 at para 2193

⁶ [Nearly 80% of B.C. locked in active Aboriginal land grab battles](#) (15 April 2026), *Juno News*

⁷ *Declaration on the Rights of Indigenous Peoples Act*, [SBC 2019] CHAPTER 44, s. 2(a)

⁸ *Interpretation Act*, RSBC 1996, c 238, s. 8.1(3)

⁹ *Cowichan Tribes v Canada (Attorney General)*, 2025 BCSC 1490 at para 2258

¹⁰ *Delgamuukw v. British Columbia*, [1997] 3 SCR 1010 at para 153

¹¹ *United Nations Declaration on the Rights of Indigenous Peoples*, Article 26

Defend citizens' property from government seizure

Call to action: Repeal Division 3 of the *Civil Forfeiture Act* and enact protections against self-incrimination.

British Columbia's *Civil Forfeiture Act* allows the provincial government to seize assets from private citizens without conclusive proof that these assets are “proceeds” or “instruments” of illegal activity. In civil proceedings before the BC Supreme Court, the government can confiscate private property even in the absence of a criminal conviction or criminal charges. Courts decide these cases on the balance of probabilities (not proof beyond a reasonable doubt).

In 2023, the *Civil Forfeiture Act* was amended to introduce “unexplained wealth orders,” requiring property owners to disclose private financial information in circumstances where the Director of Civil Forfeiture “has reasonable grounds to suspect that ... the respondent, or a person affiliated with the respondent, directly or indirectly engaged in unlawful activity”; and “the known sources of the respondent's lawfully obtained income would have been insufficient for the purpose of enabling the respondent to acquire or maintain the property.”¹² In other words, the *Civil Forfeiture Act* now requires owners “to prove that there is no illegality to their money or the assets acquired with such money,”¹³ and mere suspicion is a sufficient basis for compelling property owners to incriminate themselves.

These amendments create a new power that lets the government force people to hand over private financial information based only on suspicion, without solid evidence of wrongdoing. Although civil defendants do not enjoy a broad right to be free from self-incrimination, the Court of Appeal has observed that “*Charter* values, including a party's privacy interests”¹⁴ remain relevant to the civil process.

The *Civil Forfeiture Act* should be amended to accord with *Charter* values, by repealing Division 3 and precluding the government from building its case through interrogation of defendants themselves. The onus should always be on government to provide an evidentiary basis for the seizure of property, not on the individual to “explain” why they are entitled to keep it.

¹² *Civil Forfeiture Act*, [RSBC 2024] CHAPTER 1, s. 24(2)

¹³ [Unexplained Wealth Orders: Show Me The \(Source Of\) Money](#) (13 March 2025), *Lawson Lundell*

¹⁴ *British Columbia (Director of Civil Forfeiture) v. Conrad*, 2024 BCCA 10 at para 172

Let unionized employees choose their own lawyer

Call to action: Amend the *Labour Relations Code* to provide unionized employees with the choice of securing their own legal representation in circumstances where they have lost confidence in their union to bargain on their behalf.

The *Labour Relations Code* provides that trade unions have “exclusive authority to bargain collectively”¹⁵ on behalf of members, subject only to the stipulation that they “must not act in a manner that is arbitrary, discriminatory or in bad faith.”¹⁶ This sets a low standard for unions and has proven largely ineffectual in protecting members’ rights.

During lockdowns, the Labour Relations Board was “asked on numerous occasions to consider unions’ obligations with respect to the duty of fair representation in the face of employer policies requiring that employees be vaccinated against COVID-19”; and “consistently held that a union does not breach its duty of fair representation simply because it declines to challenge the implementation of such a policy or take to arbitration a grievance over the termination of employees who refuse to comply with it.”¹⁷

The *Labour Relations Code* recently harmed James McMurtry, an Abbotsford teacher who was fired for leading a classroom discussion about the unsubstantiated claim that 215 dead children are buried in a mass grave at the former Kamloops Indian Residential School. Mr. McMurtry’s union failed to take his grievance to arbitration, which he argued showed bad faith; however, the Labour Relations Board dismissed his complaint, finding that “it is not the Board’s role ... to decide who in a workplace dispute is ‘right’.”¹⁸

The *Labour Relations Code* contains a significant gap with respect to employees who are abandoned by their unions. Where a grievance has merit but conflicts with the union’s political or ideological beliefs, employees are left without meaningful representation.

The *Labour Relations Code* should be amended to allow employees to choose their own legal representation, and proceed with a grievance at their own expense, in circumstances of irreconcilable differences with their union.

¹⁵ *Labour Relations Code*, [RSBC 1996] CHAPTER 244, s. 27(1)(a)

¹⁶ *Ibid*, s. 12(1)

¹⁷ *Jason Baldwin (Re)*, 2023 BCLRB 197 at para 13

¹⁸ *James McMurtry*, 2026 BCLRB 152 at para 10

Ensure political neutrality of professional regulators

Call to action: Enact legislation similar to Alberta's *Regulated Professions Neutrality Act*.

In recent years, professional regulatory bodies across Canada have used their immense economic power to coerce doctors, lawyers, psychologists, teachers and other professionals to hold the "correct" ideas. This has taken the form of mandatory training on topics such as "Diversity, Equity, and Inclusion" and "Truth & Reconciliation," alongside disciplinary consequences for those who fail to conform. Courts have generally deferred to these decisions, finding that professionals "take on obligations and must abide by the rules of their regulatory body that may limit their freedom of expression."¹⁹

In some cases, the actions of regulators appear to be ideologically motivated, with disciplinary proceedings brought against professionals for expressing their opinions in a context that has nothing to do with serving patients or clients. BC's College of Nurses and Midwives, for example, suspended the licence of Vancouver-based nurse Amy Hamm and ordered her to pay \$93,639.80 in legal costs for publicly defending women's rights to have safe, female-only spaces (e.g. bathrooms, changerooms, sports competitions). Although Ms. Hamm's public statements "did not directly concern health or nursing services," the College found that they constituted "discriminatory and/or derogatory statements which were directed at members of the transgender community."²⁰

Even where professional discipline is not pursued, regulators have been known to impose reputational costs upon members who disagree with prescribed orthodoxy. When Victoria lawyer Jim Heller criticized Law Society training material for containing speculative and unproven statements about graves allegedly located at the Kamloops Residential School, the Law Society of British Columbia released a statement accusing him of racism. Such allegations are extremely damaging when coming from a regulator that holds public trust, and could put a chill on the willingness of professionals to speak publicly.

Alberta has addressed this issue with the *Regulated Professions Neutrality Act*, precluding regulators from disciplining off-duty expressive conduct (with narrow exceptions), and barring mandatory training that is not tied to competence or ethics. BC should adopt a similar law, requiring regulators to stay in their lane of ensuring the ethics and competence of their membership, while embracing true diversity of opinion among professionals.

¹⁹ *Peterson v. College of Psychologists of Ontario*, 2023 ONSC 4685 at para 1

²⁰ *British Columbia College of Nurses and Midwives v Hamm*, 2025 BCCNM 1 at para 260

Get schools out of the gender ideology business

Call to action: Protect children by removing SOGI from the public school curriculum, and respect the rights and responsibilities of parents on matters of gender and sexuality.

BC public schools are “required to include specific references to sexual orientation and gender identity (SOGI) in their anti-bullying policies,” while “topics related to gender and self-identity are included in the curriculum for knowledge, as well as to help students understand and respect diversity.” These measures are presented with the seemingly benevolent goal of “improv[ing] the school climate for LGBTQ and heterosexual students, reducing discrimination, suicidal ideation and suicide attempts for all students.”²¹

This focus on sexuality as part of the anti-bullying curriculum could leave students with the false impression that some groups deserve more protection than others. Further, those most vulnerable to bullying are not racial and sexual minorities, but those who are deemed to be unattractive and those who lack social skills or the ability to form friendships. A policy that is truly about anti-bullying should not depend on the sexuality of its subjects, and should make it clear that all bullying is equally wrong, regardless of who is doing it or why.

On a practical level, SOGI imports an ideological agenda into BC schools, which conflicts with the deeply held values of many families. School districts claim that families cannot opt out of SOGI because “[s]exual orientation and gender identity are topics that are interwoven through several curriculum areas, school activities, and arise in conversations about students’ daily lives. Therefore, it is not possible to inform parents/guardians every time SOGI-related content may arise at school.”²²

The *Charter* protects a “sphere of parental decision-making which is rooted in the presumption that parents should make important decisions affecting their children both because parents are more likely to appreciate the best interests of their children and because the state is ill-equipped to make such decisions itself.”²³

Removing SOGI from BC’s school curriculum would uphold *Charter*-protected parental rights, leaving sensitive conversations about gender and sexuality within families, where they belong.

²¹ [Sexual Orientation and Gender Identity \(SOGI\) in schools](#) (3 November 2017)

²² [What if SOGI doesn't align with my family's values? Can I remove my child from SOGI education?](#) (26 May 2023), *SD70 Pacific Rim*

²³ *B. (R.) v. Children's Aid Society of Metropolitan Toronto*, [1995] 1 SCR 315, pg. 372

Reduce waiting lists for patients

Call to action: Legalize out-of-pocket payments for health care services and insurance, and permit doctors to provide public and private services simultaneously.

BC's health care waitlists are getting longer with each passing year. In 2024, "the median wait for patients seeking care (across 12 medical specialties) in the province was 29.5 weeks," which was "two weeks higher than in 2023," and "almost three times higher than the 10.4 week wait reported in British Columbia in 1993."²⁴

As former Chief Justice Beverley McLachlin recognized in *Chaoulli v. Quebec*, "access to a waiting list is not access to health care." Where patients are "denied timely health care for a condition that is clinically significant to their current and future health, [section 7 of the *Charter's*] protection of security of the person is engaged."²⁵

When the same issue arose in BC, the Court of Appeal had no difficulty accepting that a single-payer monopoly caused some patients to suffer, but held that public policy should not be "held hostage to the veto of any one individual who bears adverse consequences."²⁶ In other words, patients' security of the person was treated as subservient to the government's ideological policy preference.

In crafting an effective and compassionate health care policy, BC's government should provide patients with a greater degree of autonomy over their own care, allowing out-of-pocket payments for prompt access to medically necessary treatment. Health care legislation should allow doctors to perform more surgeries on a private basis, and can include provisions requiring them to continue operating in the public system as well.

Allowing parallel private health care options would reduce health care wait times, thereby upholding the rights to life, liberty, and security of the person for patients now suffering on waitlists. Secondly, it would provide an incentive for doctors to practise in BC, increasing the supply of health care by attracting talent from other provinces and beyond. Finally, it would offer an increased degree of flexibility and convenience, allowing patients to pay a premium for things like house calls and after-hours service, even where public insurance pays for the basic cost of the medical services themselves.

²⁴ [B.C.'s brutal wait times should prompt new health minister to embrace reform](#) (31 March 2025), *Fraser Institute*

²⁵ *Chaoulli v. Quebec (Attorney General)*, 2005 SCC 35 at para 123

²⁶ *Cambie Surgeries Corporation v. British Columbia (Attorney General)*, 2022 BCCA 245 at para 366

Restore independence for health care professionals

Call to action: Repeal the *Health Professions and Occupations Act* to protect medicine from politics, by ensuring a healthy degree of separation between regulatory colleges and the government.

Bill 36 established the *Health Professions and Occupations Act* (“HPOA”), which overhauls the regulation of medical professions. The College of Physicians and Surgeons and the College of Nurses and Midwives are only two examples of provincial regulators now placed under a single top-down governance framework. Rather than being elected from among professionals themselves, board members are now appointed by government, and answerable to a new provincial bureaucrat known as the Superintendent of Health Profession and Occupation Oversight.

The government argued that electing board members from within the profession creates the appearance that they are beholden to those who elect them, rather than to patients.²⁷ In practice, government-appointed members will be beholden to the political party that appoints them.

Under the HPOA, professional Colleges are not only enabled but *required* to implement rules in a number of specific areas, including “mandatory vaccinations ... against transmissible illnesses”²⁸; “anti-discrimination measures”²⁹ such as “anti-racism approaches and tools to support these approaches”³⁰; and measures against “providing false or misleading information to patients or the public respecting health and matters relating to health.”³¹

The HPOA limits the healthy debate and inquiry on which medical progress depends, by facilitating prosecutions against doctors, nurses and other health care providers over what they say. The nebulous concept of “false or misleading information” is defined and policed by a Superintendent answerable to the government of the day.

British Columbians deserve confidence that advice from medical professionals is based on their honest professional judgment, not what government is telling them to say.

²⁷ [Health Professions and Occupations Act Q&A](#)

²⁸ *Health Professions and Occupations Act*, [SBC 2022] CHAPTER 43, s. 49(1)(b)(v)

²⁹ *Ibid*, s. 70(2)(a)

³⁰ *Ibid*, s. 15(1)(b)

³¹ *Ibid*, s. 70(2)(g)

Ensure transparency of government records

Call to action: Repeal paragraphs 43(a.1), 43(c), and 43(d) of the *Freedom of Information and Protection of Privacy Act*.

BC's *Freedom of Information and Protection of Privacy Act* ("FOIPPA") is intended to "make public bodies more accountable" by "giving the public a right of access to records."³² But recent amendments make public bodies *less* accountable, allowing them to discard certain freedom of information requests.

Section 43(a) has always provided a mechanism for filtering out "frivolous or vexatious" access requests. However, new provisions added in 2021 and 2026 provide several new justifications for public bodies to ignore requests, subject to the Information and Privacy Commissioner's approval. Section 43(a.1), for example, pertains to "the behaviour of the applicant," which could be used to discard legitimate requests from people deemed unlikable. Meanwhile, sections 43(c) and 43(d) apply to requests that "would unreasonably interfere with the operations of ... the public body" or are "excessively broad."

Prior to the most recent amendments, a request had to be both excessively broad *and* cause unreasonable interference with operations before it could be set aside. The latest changes severed that link. These provisions could therefore result in disclosure being refused as a matter of administrative convenience.

In cases involving major spending decisions or controversial government policies, members of the public or media may need to make broad inquiries across multiple government departments. Curtailing disclosure based on alleged overbreadth could result in the most meritorious and consequential requests being discarded, thereby defeating the purpose of *FOIPPA* itself.

Even in cases where the Commissioner does not allow a public body to discard a request, the existence of these provisions could result in unreasonable delay. Subsection 7(3) of *FOIPPA* provides that the normal 30-day timeline for disclosure stops running "from the start of the day the application is made under section 43 to the end of the day a decision is made by the commissioner with respect to that application."

British Columbians are entitled to expect swift and effective disclosure of public records. Provisions of *FOIPPA* that unreasonably thwart this process should be repealed.

³² *Freedom of Information and Protection of Privacy Act*, [RSBC 1996] CHAPTER 165, s. 2(1)(a)

Preserve British Columbia's history and heritage

Call to action: Establish a process for open debate and public accountability regarding the removal or alteration of historical statues and monuments.

Over the past decade, various local governments have removed monuments and renamed places that commemorated so-called “colonialist” figures from history. In 2018, for example, the City of Victoria removed a statue of Canada’s first Prime Minister, John A. Macdonald, while in 2019, New Westminster removed the monument of BC’s first Chief Justice, Matthew Begbie. Streets named after BC’s first Lieutenant-Governor, Joseph Trutch, were renamed in both Victoria and Vancouver in 2022 and 2025, respectively.

These decisions were presented as necessary to facilitate “reconciliation” with Aboriginal peoples, all while ignoring the democratic process. Victoria’s John A. Macdonald statue, for example, was removed with little notice to the public at the edict of the “City Family,” an unelected “reconciliation task force” that did not record its meetings, publish minutes, or allow members of the public to attend. Mayor Lisa Helps brushed aside one councillor’s concern that the statue’s removal was “an issue that deserves public discussion,” insisting that “[t]his isn’t a decision for the public. This is a decision for the City Family.”³³ Three days later, the statue was removed amid protests that the residents of Victoria had not been adequately consulted.

Government decisions that touch on history and heritage are more than symbolic gestures; they embody the enduring values of the society in which we all live. BC’s *Local Government Act* already recognizes that history is worth preserving and contains a section enabling the provincial Ombudsperson to “investigate complaints about decisions made by a local government” with respect to heritage buildings. Pending the results of such an investigation, the Ombudsperson “may direct that the local government ... must not take any action.”³⁴

This complaints procedure should be expanded to capture decisions involving the removal of public monuments, as well as the alteration of place names. If local governments wish to erase history, they should face a public process, presided over by an independent arbitrator, allowing the voices of all citizens to be heard.

³³ [Victoria will remove John A. Macdonald statue outside of city hall](#) (8 August 2018), CTV News

³⁴ *Local Government Act*, [RSBC 2015] CHAPTER 1, s. 591

About the Justice Centre

Founded in 2010, the Justice Centre for Constitutional Freedoms is a registered Canadian charity dedicated to defending the constitutional rights and freedoms of all Canadians through litigation and education. The Justice Centre funds a team of experienced constitutional lawyers who represent individuals and organizations whose fundamental rights and freedoms have been violated by government action. These cases can shape the law for years to come.

Our work focuses on the rights and freedoms protected by the *Canadian Charter of Rights and Freedoms*, including freedom of expression, conscience and religion, peaceful assembly and association, as well as privacy, liberty, equality and democratic rights.

The Justice Centre works to help Canadians understand their constitutional freedoms and the principles that sustain a free society. We publish policy reports, produce educational programs and resources, offer online courses, and communicate important constitutional developments to Canadians across the country.

The Justice Centre relies entirely on voluntary donations and does not accept government funding, allowing us to remain independent when challenging governments and public institutions in defence of the *Charter* rights and freedoms of Canadians.

Our Charitable Registration Number is 817174865RR0001.



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